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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,892	03/29/2004	Angela Patlakh	21032.00	1109

7590 05/31/2005

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/810,892	Applicant(s) PATLAKH, ANGELA	
	Examiner Michael Brown	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-29-04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harris.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-11, 13, 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Tumas, along with Harris.

Park discloses in figures 1-3 a foot caring kit comprising a first mat 18, a second mat 28, made of recycled materials (the material of the first mat is flexible and the second mat includes bristle areas) and the first foot mat includes suction cups 26. The edges 24 of the first mat provide an abrasive surface. It is a matter of duplication to have two socks since a normal human being has two feet.

Park discloses in figures 1-3 a foot care kit comprising a first foot mat 28 having at least one abrasive top surface (the bristles have an abrasive surface), at least two

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adjacent abrasive surface having different degrees of abrasiveness (the shorter bristle are more abrasive), suction cups (col. 3, lines 26-28) on the bottom of the first foot mat and a second mat 18. However, Park doesn't disclose at least one foot sock having a moisture lotion disposed within a sachet. Tumas teaches in figure 1 a sock 20 comprising a moisture lotion disposed within the sock. However, neither reference discloses or teaches the lotion being in a sachet. Harris teaches in figures 1-6 a sock 16 comprising a lotion 32 inside of a sachet 29. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the sock as taught by Tumas could be worn on the user's foot to provide moisture to the foot after taking a shower. The lotion could be stored in the sachets as taught by Harris to prevent them from drying up during shelf life.

Claims 6 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Robbins.

Robbins teaches in figure 7 a first mat 84 and a second mat 90 having an adhesive 96 on it lower surface. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the adhesive as taught by Robbins could be used to attach the mat as disclosed by Park to a bath tub.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Malpass.

Malpass teaches in figure 1 a foot mat 20 having a plurality of drain holes 30. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the drain holes as taught by Malpass could be incorporated

into the foot mat disclosed by Park in order to allow water to drain through the foot mat to prevent slippage.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Florian.

Florian teaches in figure 1 a foot mat 32 having an imprint (46) of a foot therein. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the foot print as taught Florian could be incorporated into the foot mat disclosed by Park in order for the user to know where to locate his foot on the top surface inside of the bristles.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited during the first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown
May 18, 2005

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

MICHAEL A. BROWN
PRIMARY EXAMINER